

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MALACHI SAMUEL MARTINEZ §
VS. § CIVIL ACTION NO. 9:18cv30
KIMBERLY STRIBLIN §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Malachi Samuel Martinez, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this case be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g) and that the initial partial filing fee previously paid be refunded.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit. The Clerk of Court is directed to refund the initial partial filing fee of \$4.17.

So **ORDERED** and **SIGNED July 26, 2019**.



Ron Clark, Senior District Judge